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achievement, his leadership in changing the trend of historical studies at Oxford. Nowhere can his views be better seen than in the brief preface he wrote to the translation of Langlois and Seignobos's *Introduction to the Study of History*. One little piece of information I may give Mr. Elton; the apologue of Froude which he admired so much (I. 171) was not "A Siding at a Railway Station", but "The Cat's Pilgrimage."

H. MORSE STEPHENS.

*The International Law and Diplomacy of the Russo-Japancse War.*

By AMOS S. HERSHLEY, Ph.D., Professor of Political Science and International Law in Indiana University. (New York: The Macmillan Company; London: Macmillan and Company. 1906. Pp. xii, 394.)

Two books in English have preceded this, bearing upon the same subject. One, by T. J. Lawrence, was written in 1904 in the midst of exciting events relating to war and neutrality. It is an unpretentious volume, stating briefly and with scarcely any citation of authorities what the author believed to be the law applicable to a variety of incidents which had deeply stirred the British public. It did not include even in the second edition the North Sea tragedy. Of necessity the acts upon which he commented could be but partially and inaccurately known to the author. But his conclusions were sound and their appearance timely. Professor Hershey quotes Lawrence freely and approvingly.

The other book, by Smith and Sibley, appeared in 1905 and is characterized by Hershey (p. 172 n.) as a "bulky and pretentious volume". It certainly is not a very satisfactory treatise because it wanders interminably from the point and is sometimes absurd and inaccurate. It does not discuss the causes of the war but confines itself to questions of prize and of neutrality.

The book under review has the advantage over its forerunners in that an additional year has enabled its author to secure a more accurate statement of facts, to marshal his authorities and precedents much more fully, to learn the result of appeal in certain admiralty cases, and to look at the war with rather more perspective. Professor Hershey has made excellent use of his time and opportunities. His book is an adequate, judicial, and thorough discussion of the many highly important events of the war in the East. As the title implies, there is diplomacy as well as law in it. The events prior to the war and its closing scenes at Portsmouth, with prize law and the rules of war and neutrality in between, form a kind of intellectual sandwich.

That, like its predecessors, it finds Russia alone at fault save in one minor instance was inevitable, for this is the conclusion which the facts warrant.

In the earlier diplomacy Hershey relies largely upon Asakawa's admirable volume, *The Russo-Japancse Conflict*. We have laid before us a calm, patient, painstaking narrative of the diplomatic moves

in the Far East between the years 1894 and 1904. The sequence of events hardly needs explanation, so well do the treaties, agreements, and other documents cited cover the ground. One feature only might possibly have been touched upon which is left unmentioned, the apparent quickening of Russian aggression after England had become deeply involved in South Africa. It is an absorbing story of Russian advance, slow, relentless, with much under the surface, like a glacier: with a perfectly legitimate desire at bottom, an ice-free port on the Pacific, but seeking this object in ways that were illegitimate and threatened the integrity of the East.

Chinese intrigue, railway concessions, and the Russo-Chinese Bank, the skilful use of railway guards, the opportunity of the Boxer outbreak, the beginning of a new move upon Korea, the possession of Port Arthur, Alexieff's malign influence, the reinforcement of army and navy—all these facts officially proven were signs of the storm brewing which no one could mistake, least of all the Russian. And so the reader is led on to the first question of law raised, the necessity of a declaration of war prior to hostilities. When a fair diplomatic warning was given, when relations were broken, when all the rest of the world knew that the next act would be in violence, how could astute Russia fail to know it too?

The questions of law which the war gave rise to were numerous and serious, some of them novel: Were the purchases of merchant steamers with capabilities for military use, from neutral owners, lawful? What was the status of the new wireless telegraphy? How shall one judge the question of liability for those dangerous contact mines found floating far out at sea? Had Russia the right arbitrarily to enlarge the list of contraband, to reject the theory of conditional contraband, to sink the neutral carrying contraband?

Then there were the varying neutral theories of asylum and of hospitality to belligerent ships; a comparison of the declarations of neutrality; a contrast of the loyalty with which the combatants observed the provisions of the Hague Code; and the Dogger Bank incident when war hung in the balance.

I find myself in substantial agreement with the author's treatment of all these topics. He is judicial, he is temperate, he is sound, he is wonderfully fair and liberal in his citations of authorities. In truth the running down of many of his facts must have involved much labor. With some effort one might criticize the author's attitude toward the war correspondent and the wireless as not entirely fair to the belligerent. Possibly he follows Lawrence too closely in saying that the Chefoo wireless was discontinued in August, 1904; whereas Baron Kaneko declared that this breach of neutrality was permitted by China until late that year. I wish the real value of the commission of inquiry in the North Sea incident might have been emphasized, that is, the fact that it gave a chance for passion to cool off. In such minor matters here and there one might take issue, but on the other hand there is

original well-digested comment on almost every page upon a variety of hotly disputed questions, which will make the book of permanent value. Whether it is the last word on the subject may be doubted. For perhaps Takahashi or some other Japanese publicist on the one side and de Martens on the other may clear up certain matters yet with official information.

Nor is it likely that we yet know the full truth as to the real reasons underlying the Portsmouth treaty. Hershey truly thinks that this was far from being a diplomatic victory for Russia. It fairly embodied the principle of *uti possidetis*: sufficient proof of its equity. Credits were growing low; the trans-Siberian railway had shown unexpected capability; the Russian army probably outnumbered the Japanese, and each retreat improved its position. It had become too big to be bagged. The Japanese had won every battle; they had won everything essential. It was a war of defense, and a treaty of defense was indicated. Would it be surprising if the future should reveal that Japan in her inscrutable way saw that the psychological moment had come, persuaded Mr. Roosevelt to initiate negotiations in her behalf, emphasized the non-indispensable while securing what she most wanted in the treaty itself, and won as great a victory in diplomacy as she had done in war? There are a few typographical or other errors but none of a misleading kind: 1897 for 1807 (p. 75); Count Lansdowne (p. 230); "navel" for naval (p. 143); and half a dozen misprints.

This is in every way a very good piece of work indeed.

THEODORE S. WOOLSEY.

#### BOOKS OF AMERICAN HISTORY

*The Northmen, Columbus and Cabot, 985-1503.* Edited by JULIUS E. OLSON and EDWARD GAYLORD BOURNE. [*Original Narratives of Early American History.* Edited by J. FRANKLIN JAMESON. Volume I.] (New York: Charles Scribner's Sons. 1906. Pp. xv, 443.)

AT its annual meeting in December, 1902, the American Historical Association approved and adopted the plan of the present series, choosing Dr. J. Franklin Jameson as its general editor. The purpose of the series is to provide historical students and the libraries of schools and colleges with a comprehensive and well-rounded collection of those narratives on which the early history of the United States is founded; and the present volume forms a good beginning to this excellent and laudable undertaking. Thus under the *Northmen* Professor J. E. Olson of Wisconsin prints the Vinland narrations in the *Saga of Eric the Red* and in the *Flat Island Book* (*Flateyjarbok*), together with extracts from Adam of Bremen, from the Icelandic Annals, relative to Vinland and Markland, adding versions of the Papal Letters of 1448 and 1492 (from Nicholas V. and Alexander VI.) dealing with Green-